

REMARKS

Reconsideration of the application as amended is requested.

Claims Status

Claims 42, 46, 56-60, 63-65, 69, and 70 are pending. Independent claim 42 is amended. Claims 1-41, 43-45, 47-55, 61, 62, and 66-68 were previously canceled. No claims are added or withdrawn from consideration in this paper.

§ 102 Rejection

Claims 42, 46, 63-65, 68, and 69 are rejected under 35 USC § 102(b) as being anticipated by US Patent No. 4,447,481 (Holmberg et al.). In particular, the Examiner noted in paragraph 20 of the Office Action that the claims were open to inclusion of an additional layer such as a release liner such as disclosed in Holmberg et al.

Applicants respectfully traverse that expansive interpretation of the claims in view of the recitation in independent claim 42, from which each of the other pending claims ultimately depends, in the description of the securing mechanism of “a repositionable pressure sensitive adhesive exposed on the second side of the first substrate”. Upon incorporation of a release liner over the surface of the adhesive as disclosed in Holmberg et al., the recitation that the adhesive is exposed would no longer be met.

To emphasize the critical distinctions between the claimed invention and the prior art, Applicants request that the proposed amendment to claim 42 be entered. With this amendment, all subject claims will recite that within the stack “*said repositionable adhesive on said second side of said first index card is exposed to said first side of said second index card*”.

Antecedent basis for this amendment is found in the specification, e.g., paragraphs [0004] and [0103] as well as in Fig. 8.

In Holmberg et al. the adhesive strip on each sheet is covered by a release liner (referred to therein as protective strip 16) as the sheet is manipulated, stacked, etc.

In view of this amendments, Applicants respectfully submit that the rejection under 35 USC § 102(b) has been overcome and request that it be withdrawn.

§ 103 Rejections

Claim 70 is rejected under 35 USC § 103(a) as being unpatentable over Holmberg et al.

Claim 70 depends from claim 42, and upon entry of the proposed amendment after final rejection will recite, *inter alia*, that within the stack “*said repositionable adhesive on said second side of said first index card is exposed to said first side of said second index card*”.

As discussed above, in Holmberg et al. the adhesive strip on each sheet is covered by a release liner (referred to therein as protective strip 16) as the sheet is manipulated, stacked, etc. The clear implication and teaching of Holmberg et al. is that the release liner is a necessary requirement of the structure during use, until the point in time when the sheet is to be adhered to a surface. See col. 1, lines 32-33 and 38-43; col. 2, lines 52-55; and col. 3, lines 1-9.

It has been surprisingly found that despite having exposed pressure sensitive adhesive as recited in claim 42 that index cards of the invention may be manipulated, stacked, etc. without sticking to one another, yet may be secured to a mounting substrate when desired by application of a threshold level of pressure to the first side of the securing mechanism. One of ordinary skill in the art who was familiar with Holmberg et al. would consider the article claimed by Applicants and the advantageous utility thereof to be surprising and unexpected.

Accordingly, Applicants respectfully submit that claim 70 is patentable over Holmberg et al. and request that the rejection under 35 USC § 103(a) be withdrawn.

Claims 56-60 are rejected under 35 USC § 103(a) as being unpatentable over Holmberg et al. in view of US Patent No. 5,924,227 (Sommers).

Claims 56-60 each ultimately depend from claim 42 and upon entry of the proposed amendment after final rejection will recite, *inter alia*, that within the stack “*said repositionable adhesive on said second side of said first index card is exposed to said first side of said second index card*”.

As discussed above, Holmberg et al. fails to disclose a stack of cards with exposed pressure sensitive adhesive which do not stick together absent application of a threshold pressure. Secondary reference Sommers, which is directed to index cards configured with cuts and folded portions to provide increased area, does not disclose or suggest the incorporation of adhesive portions on such cards. Accordingly, it cannot cure the deficiencies of Holberg et al.

Dependent claims 56-60 are patentable over the proposed combination of Holmberg et al. with Sommers for at least the same reasons that claim 42 is patentable over Holmberg et al. alone.

Withdrawal of the rejection of claims 56-60 under 35 USC § 103(a) is respectfully requested.

CONCLUSION

In view of the above, it is submitted that the application is in condition for allowance.

Respectfully submitted,

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